

**AGENDA**  
**TRAVERSE CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**TUESDAY, JUNE 9, 2015**  
**7:00 P.M.**  
**Committee Room, Governmental Center, 2<sup>nd</sup> Floor**  
**400 Boardman Avenue**  
**Traverse City, Michigan 49684**  
**231-922-4464**

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES-** Approval of the May 12, 2015 regular meeting minutes.
4. **REQUEST 15-BZA-08 – A REQUEST FROM JUDY AND BRUCE BALAS, 4548 OMENA POINT ROAD, OMENA, MICHIGAN for:**

An 8.4 foot dimensional variance to allow for a rear addition (1'-6" x 10'-4") to be 16.6 feet from the rear property line located at the property commonly known as **213 Franklin Street**, Traverse City, Michigan.

5. **REQUEST 15-BZA-09 – A REQUEST FROM BOB CORNWELL, 401 EAST FRONT STREET, TRAVERSE CITY, MICHIGAN for:**

A dimensional variance of 4 feet to allow for a proposed 4-story mixed use building have a height of 49 feet, a dimensional variance of 15 feet to allow for a rooftop vestibule with seasonal restrooms have a height of 60 feet and a dimensional variance to have the top of the first floor to the top of the second floor height be less than 15 feet located at the properties commonly known as **207, 211 and 221 West Grandview Parkway**, Traverse City, Michigan.

6. **PUBLIC COMMENT**
7. **OTHER BUSINESS**
8. **ADJOURNMENT**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan, 49684, 922-4481, T.D.D., 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

**MINUTES**  
**TRAVERSE CITY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**TUESDAY, MAY 12, 2015**  
**7:00 P.M.**  
**Commission Chamber, Governmental Center, 2<sup>nd</sup> Floor**  
**400 Boardman Avenue**  
**Traverse City, Michigan 49684**  
**231-922-4464**

**PRESENT:** Members Bergman, Szajner, Donaldson, Raferty, Wegener, Lomasney, Hanley and Vice-Chairperson Callison and Chairperson Cockfield.

**ABSENT:** Member Jones.

**1. CALL MEETING TO ORDER**

*The meeting was called to order at 7:00 p.m.*

**2. APPROVAL OF MINUTES-** Approval of the April 14, 2015 regular meeting minutes.

*Motion by Member Wegener, seconded by Member Donaldson, to approve the April 14, 2015 regular meeting minutes as presented. Upon vote the motion carried 9-0.*

**3. REQUEST 15-BZA-06 – A REQUEST FROM ROBERT YVON, 134 EAST NINTH STREET, TRAVERSE CITY, MICHIGAN for:**

A 30 foot dimensional variance to allow for a new driveway to access a street and be less than 100 feet from an existing driveway located at the property commonly known as **1034 South Garfield Avenue**, Traverse City, Michigan.

*Bill Siegmund, 1040 South Garfield Avenue, Traverse City, Michigan, addressed the Board.*

*Bob Yvon, 134 East Ninth Street, presented drawings and answered questions from the Board.*

*Public comment was opened and closed.*

*Motion by Member Lomasney, seconded by Vice-Chairperson Callison to grant a 30 foot dimensional variance to allow for a new driveway to access a street and be less than 100 feet from an existing driveway located at the property commonly known as 1034 South Garfield Avenue, Traverse City, Michigan, based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 15-BZA-06. Upon vote the motion carried 9-0.*

4. **REQUEST 15-BZA-07 – A REQUEST FROM TOM MCINTYRE OF SNAFU INVESTMENTS, 116 CASS STREET, TRAVERSE CITY, MICHIGAN for:**

A use variance to allow for a new driveway to access a street in a C-4 district located at the property commonly known as **215 Washington Street**, Traverse City, Michigan.

*Tom McIntyre, 116 Cass Street, Traverse City, Michigan, presented and answered questions from the Board.*

*Jon Laureto, with REI Construction Consultants, 7224 S. Shugart Road, Traverse City, Michigan, presented and answered question from the Board.*

*Ken Richmond, Architect, 821 South Elmwood Avenue, Traverse City, Michigan, presented and answered questions from the Board.*

*Ray Kendra, Architect, 118-A Cass Street, Traverse City Michigan, presented and answered questions from the Board.*

*Scott Jozwaik, Engineer, P.O. Box 5342, Traverse city, Michigan, Presented and answered questions from the Board.*

*Sheila McIntyre, 116 Cass Street, Traverse City, Michigan, addressed the Board.*

*Public Comment was opened.*

*John Erb, 10885 North Shore Road, Northport, Michigan, spoke in favor of granting the variance.*

*Rose White Hutchison, 222 Washington Street #1, Traverse City, Michigan spoke against granting the variance.*

*Tom Erwin, P.O. Box 469, Traverse City, Michigan, potential owner in Washington Place, spoke in favor of granting the variance.*

*David Rollert, 6442 Mission Ridge Road, Traverse City, Michigan, potential owner in Washington Place, spoke in favor of granting the variance.*

*Carol Hale, 240 Washington Street #12, Traverse City, Michigan, spoke against granting the variance.*

*David Taft, 952 Neahtawanta Road, Old Mission, Michigan, potential owner in Washington Place, spoke in favor of granting the variance*  
*Michael Vikery, 319 Washington Street, Traverse City, Michigan, made general comments.*

*Jim Carruthers, 218 West 11<sup>th</sup> Street, Traverse City, Michigan read a memo to the Board from the City Manager to the City Engineer dated November 14, 2014.*

*Linda Koebert, 319 Washington Street, Traverse City, Michigan, spoke against granting the variance.*

*Mike Dow, 436 Washington Street, Traverse City Michigan, potential owner in Washington Place, spoke in favor of granting the variance.*

*Laura Labonte, 2304 Sadie Lane, Grawn, Michigan, spoke in favor of granting the variance.*

*Ray Kendra, 118-A Cass Street, Traverse City, Michigan, spoke in favor of granting the Variance.*

*Public Comment was closed.*

*The Board continued discussions.*

*Motion by Member Raferty, seconded by Member Wegener to grant a use variance to allow for a new driveway to access a street in a C-4 district located at the property commonly known as 215 Washington Street, Traverse City, Michigan, contingent that four public parking spaces are provided, based on the Statement of Conclusions and Finding of Fact contained in the Order Granting for Variance No. 15-BZA-07. Upon vote the motion carried 5-4 with Members Cockfield, Callison, Donaldson and Bergman voting in opposition.*

**5. PUBLIC COMMENT**

*None*

**6. OTHER BUSINESS**

*None*

**7. ADJOURNMENT**

*None.*

David Weston, Planning and Zoning Administrator

Date: \_\_\_\_\_



**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 15-BZA-06**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address:	1034 South Garfield Avenue
Property Description:	THT PRT OF S 1/2 OF NE 1/4 OF SE 1/4 OF SEC 11 DES AS COM ON W LINE OF GARFIELD AVE 33 FT W & 213 FT N OF SE COR OF NE 1/4 OF SE 1/4 TH N 90 FT TH W 280.5 FT TH S 90 FT TH E 280.5 FT TO POB M & B
Variance Granted:	A 30 foot dimensional variance to allow for a new driveway to access a street and be less than 100 feet from an existing driveway.
Applicant/Owner:	Robert Yvon, 134 E. 9 <sup>th</sup> Street, Traverse City, Michigan / Bill Siegmund, 1040 South Garfield Avenue, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on \_\_\_\_\_, \_\_\_\_\_ at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Date: \_\_\_\_\_

\_\_\_\_\_  
David Weston, Planning and Zoning  
Administrator

**Note:** A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan

## STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-BZA-06

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 15-BZA-06, for the property commonly known as **1034 South Garfield Avenue**, Traverse City, Michigan, from Robert Yvon.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

**The foregoing Statement of Conclusions are supported by the following Findings of Fact No 15-BZA-06:**

1. The lot is only 90 feet wide.
2. There are currently two driveways on the property.
3. The applicant is proposing only one driveway.
4. The alley adjacent to the property is unpaved.
5. The proposed driveway is on the north side of the parcel which is the maximum distance away from the driveway to the south.
6. The City Engineer is willing to grant an exception from 200 to 100 feet for the driveway separation requirement.
7. Parcels in the C-1 Zoning District are permitted to have a driveway to the street if they have alley access.

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
VARIANCE NO. 15-BZA-07**

Pursuant to the City of Traverse City Code of Ordinances § 1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

Street Address: 215 Washington Street

Property Description: PART OF LOTS 17, 18 AND THE WEST 46' OF LOT 16, BLOCK 7, ORIGINAL PLAT OF TRAVERSE CITY, TRAVERSE CITY, MICHIGAN; MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 AND THE POINT OF BEGINNING; THENCE N 89°58'47" E, A DISTANCE OF 178.72' ALONG THE NORTH LINE OF SAID LOTS; THENCE S 00°01'18" E, A DISTANCE OF 135.21' TO THE NORTH RIGHT-OF-WAY TO WASHINGTON STREET; THENCE ALONG SAID NORTH RIGHT-OT-WAY N 75°58'45" W, A DISTANCE OF 184.02' (RECORD N 7S00'44" W) TO WEST LINE OF SAID LOT 18; THENCE ALONG SAID WEST LINE N 00°09'34" W, A DISTANCE OF 90.51' (RECORD N \00°05'11" W, 90.65') TO POB. CONSISTING OF 0.46 ACRES.SUBJECT TO AND TOGETHER WITH ANY EASEMENTS, ENCROACHMENTS, OR RESTRICTIONS, IT ANY.

Variance Granted: A use variance to allow for a new driveway to access a street in a C-4 district, contingent that 4 public parking spaces are provided.

Applicant: Tom McIntyre 116 Cass Street, Traverse City, Michigan.

It is determined that the Applicant has demonstrated a hardship as well as showing of good and sufficient cause authorizing a variance by the City of Traverse City Code of Ordinances. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Finding of Fact are incorporated herein by reference.
2. The procedures and requirements for variance decisions by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on \_\_\_\_\_, \_\_\_\_\_  
at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the  
County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City,  
Michigan.

Date: \_\_\_\_\_

\_\_\_\_\_  
David Weston, Planning and Zoning  
Administrator

**Note:** A decision of the Board of Zoning Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision by the Board of Zoning Appeals may appeal to the Circuit Court, if made to the Court within twenty-eight (28) days after rendering the final decision or upon grant by the Court of leave to appeal. Codified Ordinances of Traverse City Michigan

### STATEMENT OF CONCLUSION AND FINDINGS OF FACTS 15-BZA-07

The following are the Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 15-BZA-07, for the property commonly known as **215 Washington Street Street**, Traverse City, Michigan, from Tom McIntyre.

1. Practical Difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or used in the same district.
2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
3. No substantial adverse effect on property values in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

**The foregoing Statement of Conclusions are supported by the following Findings of Fact No 15-BZA-07:**

1. The applicant thought he had access over City owned property (parking lot N) to the east prior to the issuance of the Land Use Permit.
2. The approved plans associated with the Land Use Permit had 24 parking spaces being accessed from the alley (19 spaces underground and 5 in attached garages) and 19 parking spaces accessed from City owned property to the east with the potential for a car elevator if a variance was not granted or an ingress/egress easement could not be obtained.
3. The Land Use Permit was issued on October 18, 2014 with one of the conditions stating that there be no vehicular ingress or egress is permitted on City property without City Approval.
4. Properties on the south side of the street are zoned R-29 (Multiple Family Dwelling District) and GP (Government/Public District) and are permitted to have driveways that access Washington Street with no separation requirement.
5. There currently is insufficient public parking in the general vicinity.
6. Washington Place will add approximately 35 cars that will require parking downtown.
7. With both the underground and above ground parking currently in the plan, Washington Place will have 43 parking spaces available. If the variance is denied, there will be 19 fewer parking places available creating a hardship on owners as well as people who work downtown and require public parking in this area.
8. The building is mostly residential with 23 residential units and 3 first floor commercial units.
9. The residents that will be residing in Washington Place are typically elderly, retired and have two vehicles.
10. It was considered to be unsafe to expect elderly residents to walk late at night or in the winter from an offsite parking area or garage several blocks away.
11. Close convenient private parking with street access is available for adjacent multiple family uses in the general vicinity.
12. There is approximately 4 feet of grade change from Washington Street to the alley.

13. The parcel has a high water table and limits how deep the lower level parking area can be.
14. Due to the small size of the parking area and the grade change from Washington Street to the alley, internal ramping with access only from the alley would only allow for 21-23 parking spaces instead of desired 43 spaces.
15. In the State of Michigan the only elevators of the size and capacity to elevate automobiles are "true" freight elevators and are not practical for general use by the public.
16. Public parking areas are permitted to access a street when alley access is available in a C-4 District.
17. The proposed driveway will be approximately 140 feet from the Cass Street Intersection and 540 feet from the Park Place entrance.
18. The applicant offered to provide 4 public parking spaces in exchange for the on street parking spaces that would be eliminated.
19. The applicant will work with the city to reduce the impact of the curb cut on street parking through possibly relocating a fire hydrant and possible traffic calming measures or shifting parking to the south side of Washington Street.
20. A new driveway on Washington Street or an ingress/egress easement on City owned property will require the applicant to go back to the City Commission for approval.





## Communication to the Board of Zoning Appeals

---

FOR THE MEETING OF: JUNE 9, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DMW*

SUBJECT: REQUEST 15-BZA-08

DATE: JUNE 5, 2015

You have a request from Judy and Bruce Balas, 4548 Omena Point Road, Omena, Michigan for relief from the zoning laws to allow for an addition (1'-6" x 10'-4") to be constructed in the rear yard setback located known as **213 Franklin Street**, Traverse City, Michigan.

The property is zoned R-1b (Single Family Dwelling District) and the minimum rear yard is 25 feet. The existing home is currently nonconforming and is located 16.6 feet from the rear (east) property line. The applicant would like to construct a small addition to the northeast side of the home while not encroaching any closer than the existing home. The applicants will be requesting a dimensional variance to allow for the new addition to be 16.6 feet from the rear (east) property line.





City of Traverse City

APPLICATION FEE: \$240.00	Date of Application: <u>5-12-15</u>
Check Number: <u>469</u>	Date of Public Hearing: <u>6-9-15</u>
Receipt Number: <u>18054</u>	Case Number: <u>15-BZA-08</u>

## TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or  
Reconsideration

**PROPERTY DESCRIPTION** (legal description AND property address):

211/213 FRANKLIN ST TC 49686

**REQUEST AND PROPOSED PROJECT:**

ADDITION TO HOUSE (11'6" x 10'6")

**TO BE COMPLETED BY ZONING ADMINISTRATOR:**

Request:	Appeal for Administrative Decision	_____
	Interpretation of Ordinance	_____
	Exception	_____
	Variance	_____

Name: JUDY & BRUCE BAUS Phone: 231-631-5543 Fax: 231-386-9066

Address: PO Box 166, Omena, MI 49674

Signature of Owner: [Signature]

Signature of Applicant (if different): \_\_\_\_\_

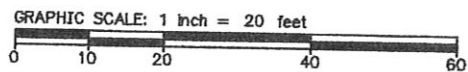
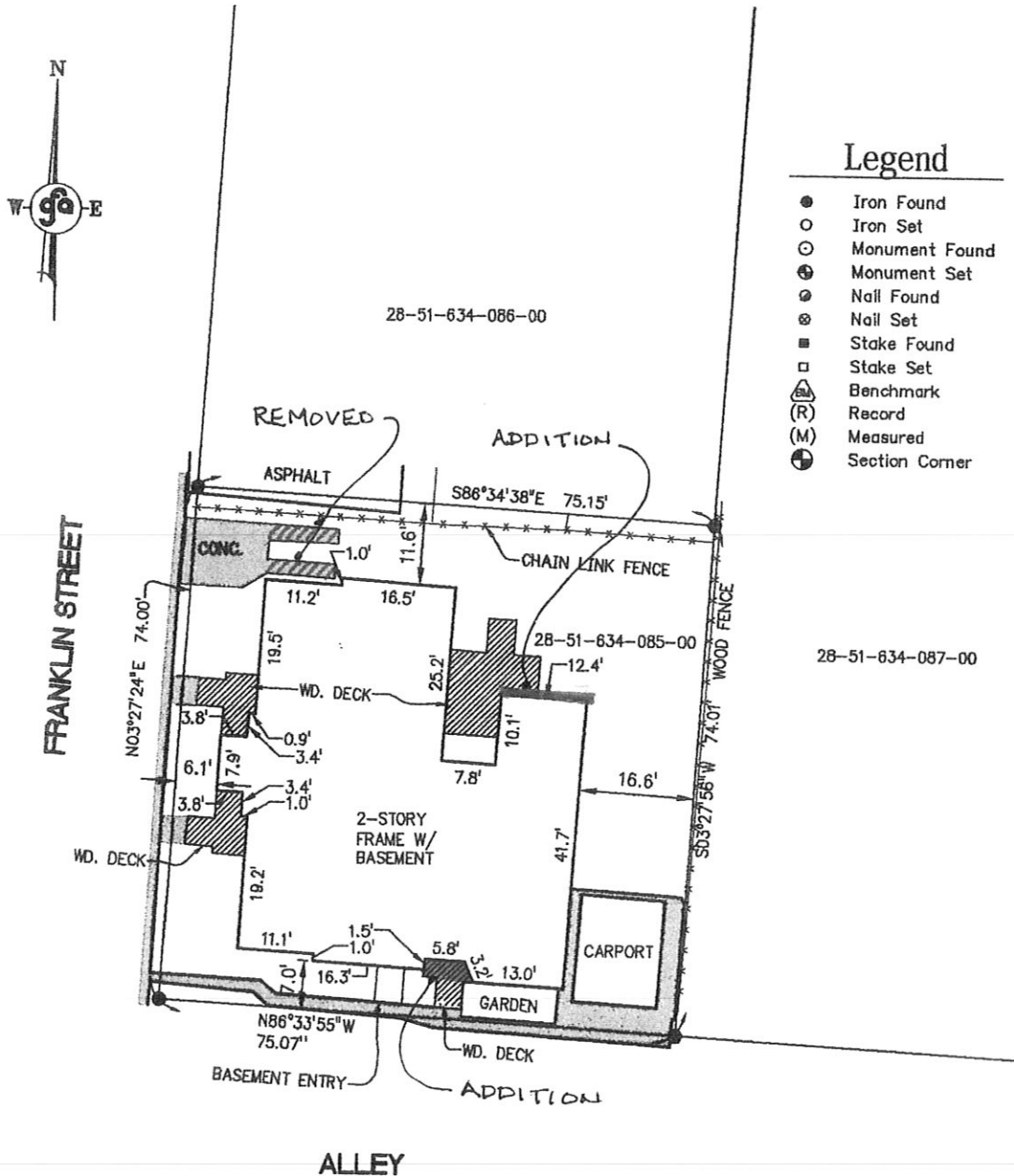
Relationship of Applicant to Owner:

**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR  
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S  
AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO  
PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE  
APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED  
UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

\*\*\* PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS \*\*\*

# SITE PLAN



PREPARED FOR: JUDY BALAS

PH 231.946.5874  
FAX 231.946.3703  
WWW.gourdiefrazer.com

123 W. Front Street  
Traverse City, MI 49684

**gfa Gourdie-Frazer**  
Municipal | Development | Transportation

Location: PART OF LOTS 1, 2, AND 3  
OF HANNAH LAY & CO'S 5TH ADDITION  
SECTION 2, TOWN 27 NORTH, RANGE 11 WEST  
CITY OF TRAVERSE CITY, GRAND TRAVERSE CO., MI

DATE: 09/04/14  
P.L.N.: STEVEN P. BYE  
D.L.: JLF C.D.: SPB  
14222  
SHT 1 OF 1

JUDY & BRUCE BALAS

4548 Omena Pt. Rd.  
PO Box 166  
Omena, MI 49674  
Jbbalas@gmail.com

---

H	231.386.7935
C	231.631.5543
F	231.386.9066

May 12, 2015

Grand Traverse County Zoning Commission  
For Meeting on May 19, 2015

RE: 211/213 Franklin, Traverse City 49686  
Variance for an Addition to the Property

To Whom it May Concern:

We own a home on Franklin at the corner of the alley. We would like to add 18" to a portion of our home on the North side, to allow us to add a hot tub to the interior.

Size of addition: 1'-6" x 10'-4"

Current set-backs at the location of the addition:

16.6' to the East (which would not change)

26.7' to the North (which would be reduced to 25.2')

We ask that a Variance be granted to proceed with this project.

In order to not increase our developed space, we have agreed to eliminate a concrete parking 2-track, which will reduce this by 40 sf, as per Dave Weston.

Thank you for your attention to this matter.

Sincerely,

Judy & Bruce Balas



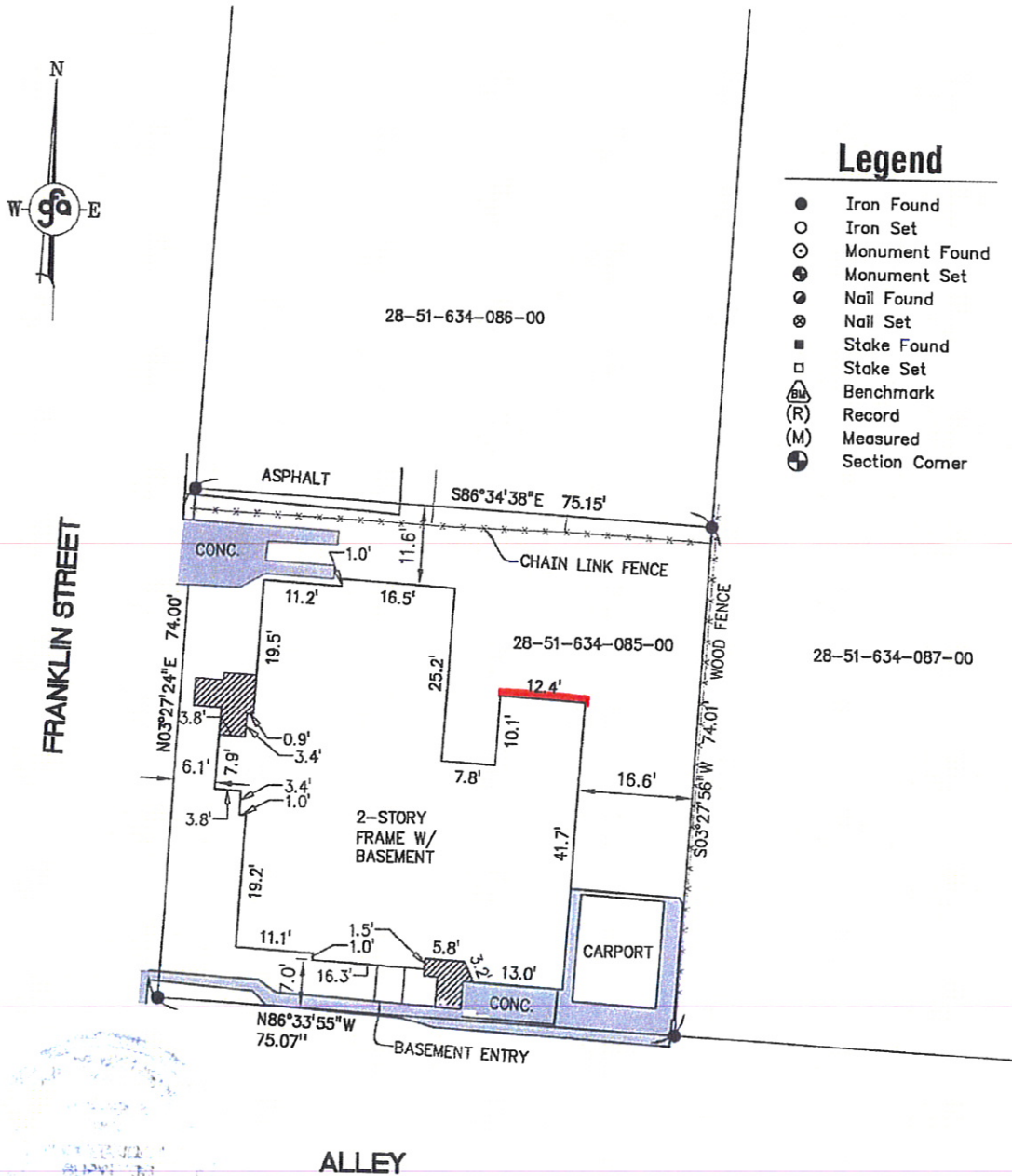
Enclosures:

Drawings A-1 & A-2 (Floor Plan & Elevations)

Survey by Gourdie-Fraser, dated 9.4.14

Photos of Site

# SITE PLAN



PREPARED FOR: **JUDY BALAS**

PH 231.946.5874  
FAX 231.946.3703  
WWW.gourdie-fraser.com  
123 W. Front Street  
Traverse City, MI 49684

**gfa Gourdie-Fraser**  
Municipal | Development | Transportation

Location: PART OF LOTS 1, 2, AND 3  
OF HANNAH LAY & CO'S 5TH ADDITION  
SECTION 2, TOWN 27 NORTH, RANGE 11 WEST  
CITY OF TRAVERSE CITY, GRAND TRAVERSE CO., MI

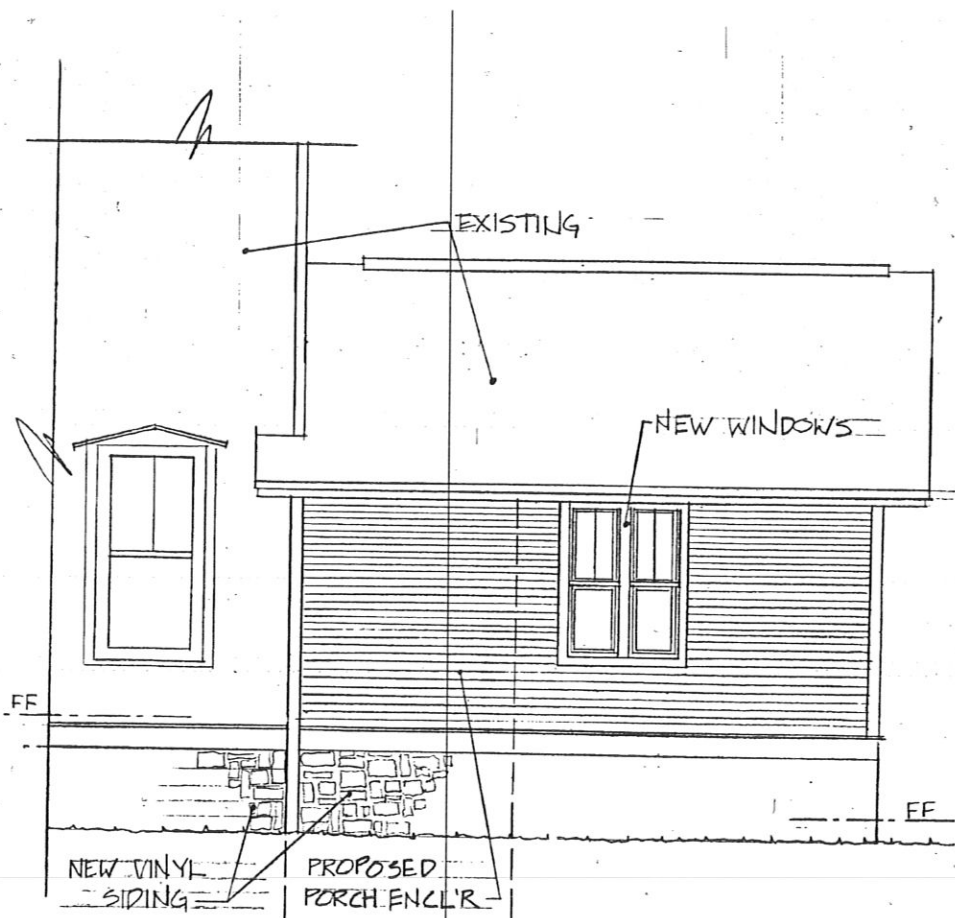
DATE: 09/04/14  
P.M.: STEVEN P. BYE  
DL: JLF CD: SPB  
**14222**  
SHT 1 OF 1



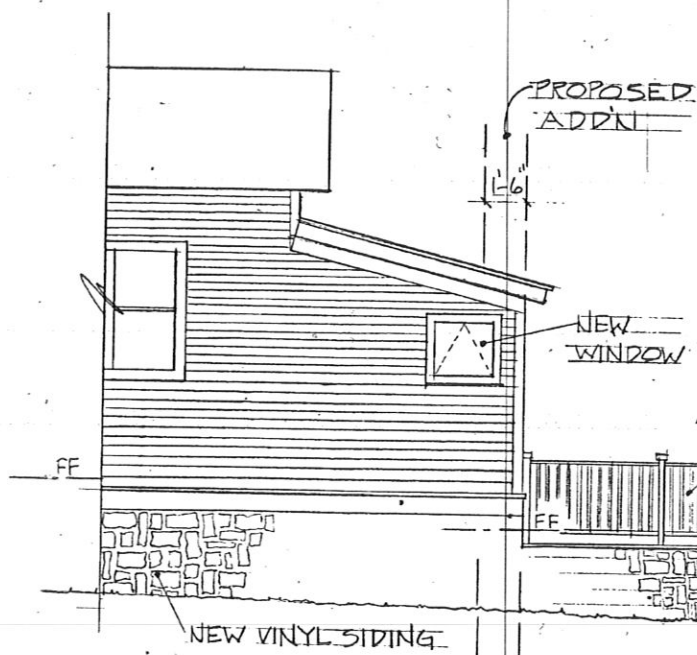




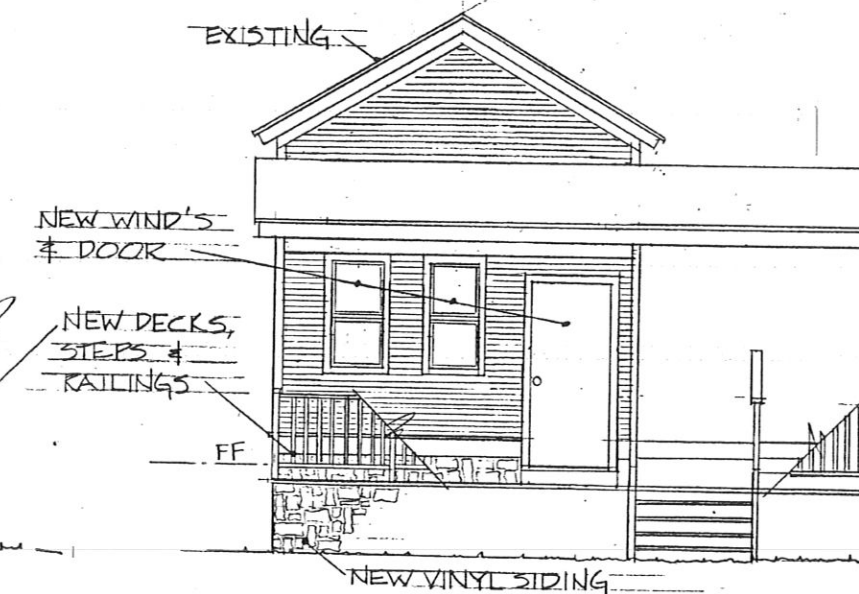




SOUTH



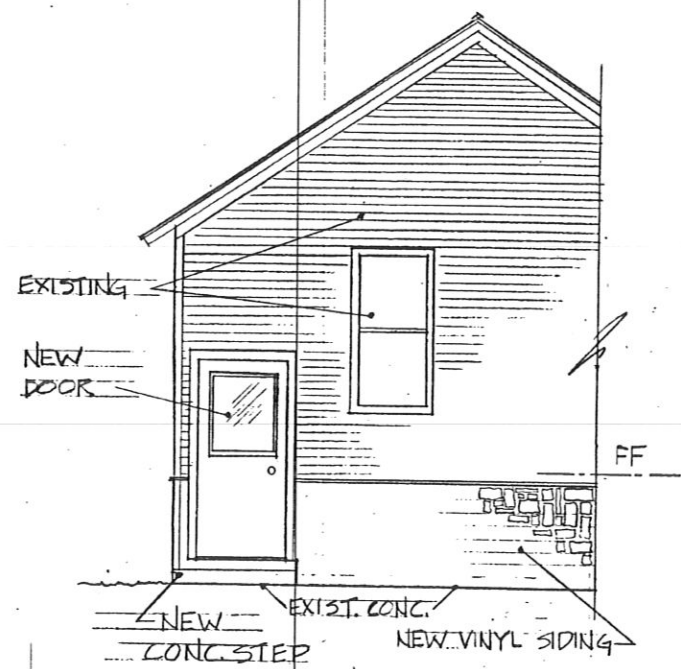
NORTH EAST



NORTH

ELEVATIONS

SC 1/4" = 1'-0"



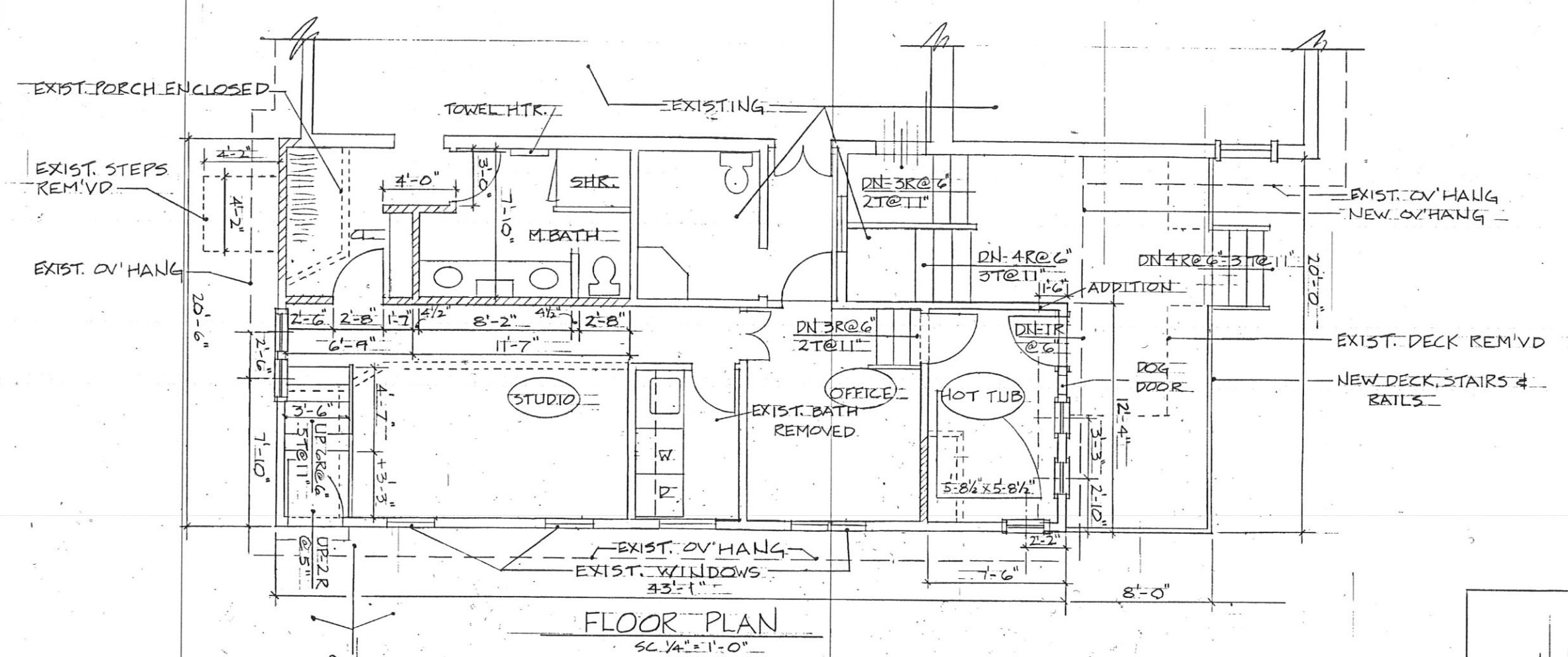
SOUTH EAST

BALAS REMODEL & ADDITION  
211/213 FRANKLIN  
TRAVERSE CITY, MI 49686

A-2

5-12-15





BALAS REMODEL & ADDITION  
211/213 FRANKLIN  
TRAVERSE CITY, MI 49686

3-25-15  
REV. 5-12-15





## Communication to the Board of Zoning Appeals

---

FOR THE MEETING OF: JUNE 9, 2015

FROM: DAVID WESTON, ZONING ADMINISTRATOR *DW*

SUBJECT: REQUEST 15-BZA-09

DATE: JUNE 5, 2015

You have a request from Bob Cornwell, 401 East Front Street, Traverse City, Michigan for relief from the zoning regulations to exceed the building height requirements and not meet the minimum floor to floor height of the Zoning Code for the properties commonly known as **207, 211 and 221 West Grandview Parkway**, Traverse City, Michigan.

The properties are zoned C-4a (Regional Center District) and the maximum building height is 45 feet (§1346.06(a)) and the minimum height measured from the top of the first floor to the top of the second floor is 15 feet (§1346.09(I)). The applicant is proposing to construct a 4-story (approximately 122,000 s.f.) mixed use building with a height of 49 feet, have a rooftop deck with a 400 square foot (20' x 20') vestibule and seasonal restrooms at a height of 60 feet and have the top of the first floor to the top of the second floor be a height of 14 feet. Mr. Cornwell will be requesting a dimensional variance to exceed the building height limitations and have a top of first floor to top of second floor height be less than 15 feet.

A similar height variance for a vestibule and seasonal restrooms was granted for the Hotel Indigo. I have attached those minutes for your review.

MINUTES  
TRAVERSE CITY BOARD OF ZONING APPEALS  
REGULAR MEETING  
TUESDAY, MAY 12, 2011  
7:30 PM  
Commission Chamber, Governmental Center, 2<sup>nd</sup> Floor  
400 Boardman Avenue  
Traverse City, Michigan 49684  
231-922-4778

**PRESENT:** Members Peltz, Stephan, Serratelli, Wegener, Yockey, Jones, Szajner (alt.),  
Vice- Chairman Stephan and Chairman Cockfield  
**ABSENT:** Member Griggs  
**STAFF PRESENT:** David Weston

**1. CALL MEETING TO ORDER**

*The meeting was called to order at 7:30 p.m.*

**2. APPROVAL OF MINUTES** - Approval of the minutes for the December 14, 2011, regular meeting.

*Motion by Member Serratelli, seconded by Member Stephan to approve the December 14, 2010 regular meeting minutes as presented. Upon vote the motion carried 9-0.*

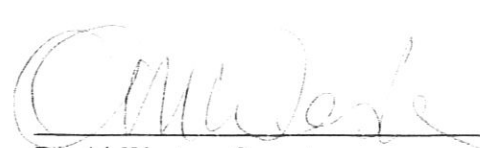
**3. REQUEST 11-BZA-01 - A REQUEST FROM GARTH GREENAN , 800 COTTAGEVIEW DRIVE, SUITE 1042, TRAVERSE CITY, MICHIGAN, CONSULTING ENGINEER FOR GRAND TRAVERSE HOTEL PROPERTIES, LLC, for:**

A dimensional variance of 15 feet to exceed the maximum building height requirement in the C-4a, Regional Center District, to allow for seasonal restrooms to be located adjacent to the elevator shaft on the roof deck of a proposed hotel located at the properties commonly known as **223, 235 and 263 West Grandview Parkway**, Traverse City, Michigan.

*Garth Greenan presented drawings and answered questions from the Board. Motion by Member Stephan, seconded by Member Talbot to grant a dimensional variance of 15 feet to exceed the maximum building height in the C-4a, Regional Center District, to allow for seasonal restrooms to be located adjacent to the elevator shaft on the roof deck of a proposed hotel located at the properties commonly known as 223, 235 and 263 West Grandview Parkway based on the Statement of Conclusions and Findings of Fact contained in the Order Granting for Variance No. 11-BZA-01. Upon vote the motion carried 8-1 with Member Peltz voting in opposition.*

Respectfully submitted,

Date: 5/12/11

  
David Weston, Secretary

**CITY OF TRAVERSE CITY  
ORDER AUTHORIZING  
DIMENSIONAL VARIANCE NO. 11-01**

Pursuant to the City Zoning Ordinance §1324.05(d), Variances, the Board of Zoning Appeals hereby authorizes a dimensional variance for the following:

**Street Address:** 223, 225 and 263 west Grandview Parkway, Traverse City, Michigan.

**Property Description:** Lots 58, 59, 60, 61 & W ½ pf 62, Hannah Lay & Co's 11<sup>th</sup> Add., Grand Traverse County, Michigan, Section 3, T27N, R11W

**Variance Authorized:** A dimensional variance of 15 feet to exceed the maximum building height requirement in the C-4a, Regional Center District, to allow for seasonal restrooms to be located adjacent to the elevator shaft on the roof deck of a proposed hotel

**Applicant/Owner:** Garth Greenan, 800 Cottageview Drive, Suite 1042, Traverse City, Michigan.

Grand Traverse Hotel Properties, LLC, 945 S. Rochester Road, Suite 103, Roschester Hills, MI 48307.

It is determined that the Applicant has demonstrated a practical difficulty as well as the basic conditions for authorizing a variance required by the Zoning Code. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions and Findings of Fact is incorporated herein by reference.
2. The procedures and requirements for variance decisions required by law and ordinance have been followed.

This Order shall not be deemed to be City approval for anything other than the variance authorized by this order, and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance.

I hereby certify that the above Order was adopted on August 2, 2011, at a regular meeting of the Board of Zoning Appeals for the City of Traverse City at the County Committee Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan

Date: 8/2/11

  
\_\_\_\_\_  
David Weston, Planning and Zoning  
Administrator

**NOTE:** A decision of the Board of Zoning Appeals shall be final. However any party having a substantial interest affected by an order, determination or decision of the Board of Zoning Appeals may appeal to the Circuit Court if made to the Court within twenty-eight (21) days after the Board of Zoning Appeals approves the minutes of its decision upon grant by the Court of leave to appeal.

## STATEMENTS OF CONCLUSIONS AND FINDINGS OF FACTS NO. 11-01

The following are Statements of Conclusions supported by evidence submitted to the Board of Zoning Appeals in connection with a request for a dimensional variance, Request No. 11-01, for the properties commonly known as **223, 235 and 263 Grandview Parkway**, Traverse City Michigan, from Grand Traverse Properties, LLC .

1. Practical difficulty. There are exceptional or extraordinary circumstances or physical conditions that do not generally apply to other properties or uses in the same district.
  2. In granting the variance, the spirit of the Zoning Code is observed, public safety is secured and substantial justice is done.
  3. No substantial adverse effect on property value in the immediate vicinity or in the district where the property is located will occur as a result of granting this variance.
  4. The difficulty presented by the applicant in support of the request for a variance is not so general or recurrent in nature that a formulation of a general regulation for such condition is preferable.
- 
5. The practical difficulty is unique to the property and not to the general neighborhood and shall apply only to property under control of the applicant.
  6. Granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
  7. The difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
  8. The difficulty was not the result of an act of the applicant or a person in privity or concert with the applicant.

**The foregoing Statement of Conclusions is supported by the following Findings of Fact for request No. 11-01**

1. The restrooms will be seasonal and not in operation in the winter months.
2. Elevator shafts are considered rooftop mechanical equipment and are allowed to exceed the maximum height restrictions in the C-4a District.
3. The rest room facilities are designed to the minimum size the Michigan Building Code allows for an occupant load of 45 people.
4. Rooftop decks with food and beverage services are a permitted use in the C-4a Zoning District.
5. Parking will be below the building which forces the elevator equipment to be on top of the elevator shaft.
6. The forth floor rooms will be limited to longer stays and incorporating a rest there could be disturbing to guest and an inconvenience to rooftop users. *Joe*
7. Requiring rooftop users to use the lobby bath rooms is unreasonable.
8. The seasonal restrooms are secondary and incidental to the elevator shaft.
9. The seasonal rest rooms are a small percentage of the overall rooftop of the hotel.
10. The C-4c height restrictions allows for permitted uses to exceed the height requirements provided that they are designed and positioned in a manner that will effectively shield rooftop mechanical equipment or elevator shafts.





City of Traverse City

APPLICATION FEE: \$240.00  
Check Number: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_

Date of Application: 5-19-15  
Date of Public Hearing: 6-9-15  
Case Number: 15-BZA-09

## TRAVERSE CITY BOARD OF ZONING APPEALS APPLICATION

for Variance, Exception, Appeal, Ordinance Interpretation or  
Reconsideration

**PROPERTY DESCRIPTION** (legal description AND property address): 207, 211, and 221 West Grandview Parkway, Traverse City, Michigan;  
Lot 63 through 68 of Hannah Lay & Co's 11th Add., City of Traverse City, Grand Traverse  
County, Michigan, Section 3, T27N, R11W

### REQUEST AND PROPOSED PROJECT:

See Attached.

### TO BE COMPLETED BY ZONING ADMINISTRATOR:

Request: Appeal for Administrative Decision \_\_\_\_\_  
Interpretation of Ordinance \_\_\_\_\_  
Exception \_\_\_\_\_  
Variance \_\_\_\_\_

Name: Robert Cornwell Phone: 231.946.7711 Fax: 231.946.7712

Address: 401 East Front Street, Traverse City, MI 49686

Signature of Owner: \_\_\_\_\_

Signature of Applicant (if different):

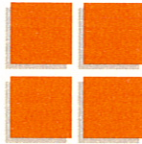
Robert Cornwell

Relationship of Applicant to Owner: Architect CORNWELL ARCHITECTS

**APPLICATIONS MUST BE RECEIVED A MINIMUM OF 21 DAYS PRIOR  
TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED.**

REPRESENTATION AT HEARING: THE APPLICANT OR THE APPLICANT'S  
AUTHORIZED AGENT MUST BE PRESENT AT THE PUBLIC HEARING TO  
PROPERLY ANSWER QUESTIONS CONCERNING THE APPEAL. IF THE  
APPLICANT OR AGENT IS NOT PRESENT, THE APPEAL MAY BE DEFERRED  
UNTIL THE NEXT MEETING OR DISMISSED AT THE DISCRETION OF THE BOARD.

\*\*\* PLEASE NOTE THE REVERSE SIDE FOR SITE PLAN REQUIREMENTS \*\*\*



# C O R N W E L L   A R C H I T E C T S

May 19, 2015

City of Traverse City

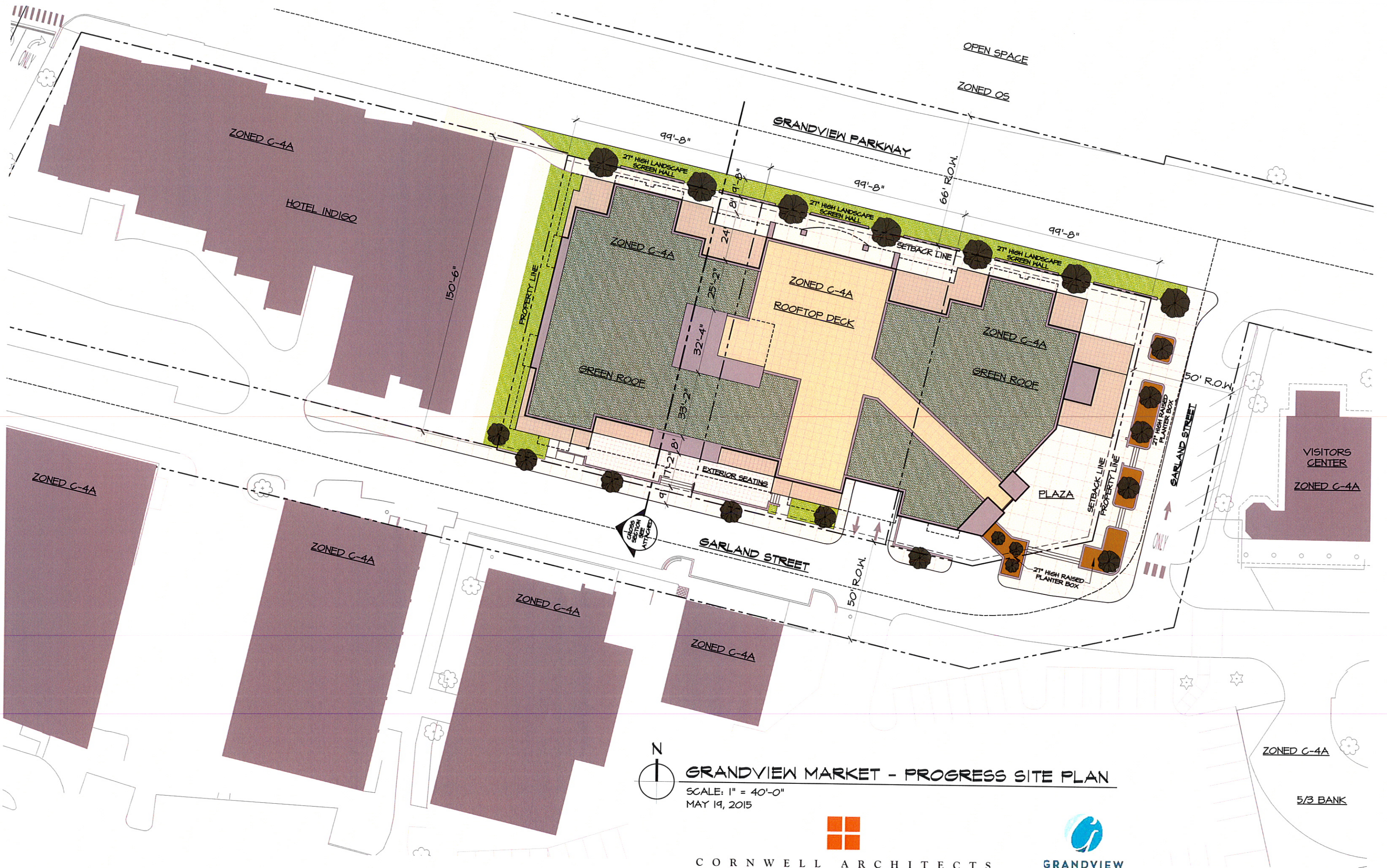
Traverse City Board of Zoning Appeals

Application for Variance, Exception, Appeal, Ordinance Interpretation or Reconsideration

Request and Proposed Project:

- 1) We are requesting a Dimensional Variance of the roof height for the entire proposed Building, from the required 45', to 49' including a Dimensional Variance from the required 15' First Floor (floor-to-floor) to 14' First Floor (floor-to-floor) dimension for this proposed Commercial and Residential Building located at the properties commonly known as 207, 211, and 221 West Grand View Parkway, Traverse City, Michigan.
- 2) We are requesting a Dimensional Variance for the roof height of 15' to exceed the maximum building roof height requirement in the C-4a, Regional Center District, to allow for a Vestibule and seasonal Restrooms to be located adjacent to the Elevator and Stair Shaft on the Roof Deck of this proposed Commercial and Residential Building located at the properties commonly known as 207, 211, and 221 West Grand View Parkway, Traverse City, Michigan.





# GRANDVIEW MARKET - PROGRESS SITE PLAN

SCALE: 1" = 40'-0"  
MAY 19, 2015

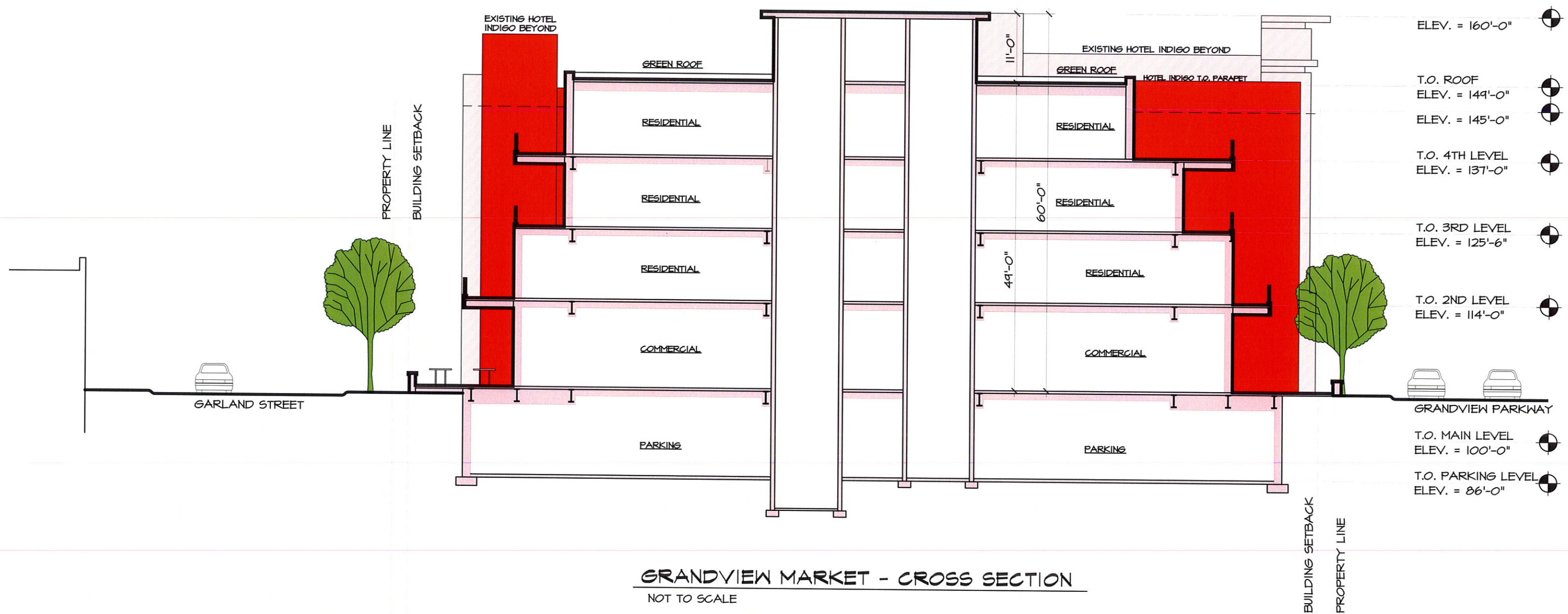


CORNWELL ARCHITECTS

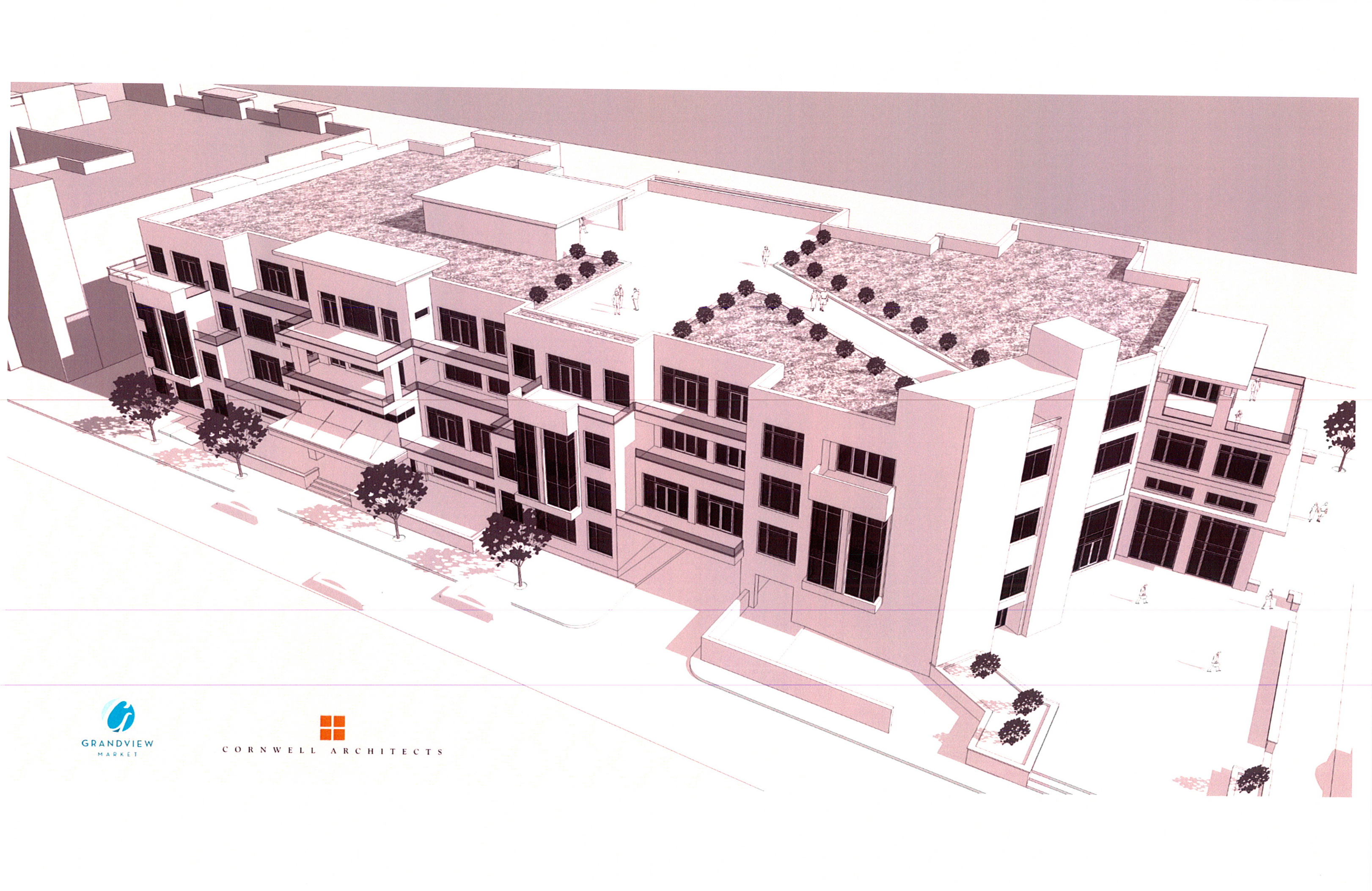


GRANDVIEW  
MARKET













CORNWELL ARCHITECTS



GRANDVIEW  
MARKET



